REMARKS

The Office Action dated April 19, 2004, has been carefully considered. Applicant appreciates the Examiner's efforts in conducting a comprehensive examination. Responsive thereto, Applicant has amended the claims as indicated above, and requests that the Examiner consider the following remarks herewith.

In the Office Action dated April 19, 2004, claims 1 and 2 were rejected, and claims 3 – 6 were allowed. Responsive thereto, Applicant has amended the claims to place this case in immediate condition for allowance.

Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Furthermore, claim 1 was rejected under 35 U.S.C. 102(b), second paragraph, as being anticipated by Las et al. (U.S. Patent No. 5,983,558).

Claim 1 has been amended to a scope commensurate with the Examiner's comments and is believed to be in condition for allowance. Claim 2 has been cancelled without prejudice. New claim 7, substantially incorporating the limitations found in claim 1 and cancelled claim 2, has been added. Claims 3 – 6 stand allowed. Claims 1 – 7 remain pending. No new matter has been added. Reconsideration is respectfully requested.

Claim 1 was rejected as being anticipated by U.S. Patent No. 5,983,558, issued to Las et al. The Las reference discloses an insect bait station comprising a body member defining a bait area and a toxicant applicator disposed within the body member. Las relies on capillary action to feed the toxicant (50) to the toxicant applicator (46) which comprises absorbent material.

In contrast, the Applicant's invention incorporates adjacent chambers which function to contain a liquid combination of bait and toxicant. In one embodiment, a first chamber initially functions as a reservoir for the liquid and the breaking of a frangible seal allows the liquid to partially flow into the adjacent second chamber until the liquid level reaches an equilibrium depth in the fluidly connected chambers. The second chamber includes an opening into which insects gain access to the liquid toxicant. A significant advantage is realized by Applicant's structure in that only a relatively small portion of the liquid's surface area is exposed to the atmosphere thereby minimizing evaporation and prolonging effectiveness of the bait station.

In view of the amendments and arguments presented herein it is believed that that the claims are patentably distinguishable over the prior art. Accordingly, Applicants respectfully requests a favorable action on this case.

Should the Examiner have any questions, comments, or concerns, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

Stearns, Weaver, Miller, Weissler,
Alhadeff & Sitterson, P.A.
200 East Broward Boulevard
Suite 1900
Ft. Lauderdale, FL 33301
Ph: (954) 462-9500

Attorneys for Applicant

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By:
Mark D. Bowen
Reg. No. 39,914